

Camden County Board of Commissioners

Regular Meeting

March 17, 2008

7:00 P.M.

**Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, March 17, 2008 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Sandy Duckwall and Mike Andrews

Also attending was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and County Attorney John S. Morrison.

Chairman Jeffrey Jennings called the meeting to order, gave the invocation and led those present in the Pledge of Allegiance.

Presentation - Charlotte Underwood – Embarq

Charlotte Underwood, Public Affairs Manager, presented a framed picture of the Camden County Historic Courthouse on the cover of the July 2007-July 2008 Embarq Telephone Directory to the Board of Commissioners with a special thanks to Ava Gurganus, Clerk to the Board, for photographing and submitting the pictures of the Historic Courthouse for the cover.

Presentation - Jennifer Palestrant – Chamber of Commerce

Jennifer Palestrant, President of the Elizabeth City Chamber of Commerce, stated that

- the Chamber has 650 members; many who live or work in Camden County.
- the Chamber covers three (3) broad areas; business support, adequacy, and economic development.
- she is excited to help with Green Park in Camden County.

Presentation - School Superintendent Ron Melchiorre

School Superintendent Ron Melchiorre updated the Board on the status of the low wealth funding. The General Assembly has a committee reviewing the twelve (12) different allocations the school systems receive and low wealth supplemental funding is one of those committees being reviewed. Mr. Melchiorre reviewed how the low wealth supplemental funding is effected by the county. A county is eligible if its composite weighted average of effort, non-supplant and minimum appropriation is less than the statewide composite average, which for Camden County is 0.561. Camden County is eligible for funding in FY2007-08 due to Camden County's tax rate of .59.

Charlene Jones – Juvenile Crime Prevention Control Program (JCPC) Coordinator

Travis Burke, Extension Director, introduced new employee Program Coordinator Charlene Jones.

CAMTEC student James Jarvis prepared a slide show for the Board and Middle School student Joseph Doyle read a poem.

Mr. Jeralds stated that he has the pleasure to serve on the JCPC Council and would like the Board to give the JCPC Program all the support that the Board can.

Chairman Jeffrey Jennings complimented the JCPC staff on a job well done.

Public Comments

Chairman Jeffrey Jennings called for comments from the public.

Hearing on comments from the public, Chairman Jennings proceeded with the meeting.

Consideration of Agenda

Chairman Jeffrey Jennings removed *Item 4. Old Business, A. Commissioners Meeting Schedule* from the agenda; added *Item 6. New Business, H. JCPC Agreement; Item 12. Closed Session, 2. Personnel, 3. Property Acquisition - Luther Property located in South Mills, 3. Property Acquisition for High School with the property owner and location being withheld upon the owners request; and 4. Industrial Recruitment.*

Commissioner Melvin Jeralds made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

Commissioner Philip Faison made a motion to approve the consent agenda. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- **Consent Agenda**

February 21, 2008 - Retreat Minutes subject to correction of typographical and technical errors.

March 03, 2008 – Regular Meeting Minutes subject to correction of typographical and technical errors.

Tax Collection Report – February 2008 in the amount of \$193,957.73.

- **End of Consent Agenda**

Old Business - Proposed Solid Waste Agreement

Pasquotank County's proposed solid waste agreement includes a tipping fee of \$64.00/ton for landfill waste and \$48.00/ton for construction and debris waste. It is suggested that the Camden County Convenience Sites have roll off containers on site for construction and debris at the cost of \$48.00/ton instead of \$64.00/ton that is now charged by Pasquotank. Citizens would be able to continue to go to Pasquotank with construction and debris as well. The contract is for seven (7) years.

Commissioner Melvin Jeralds made a motion to remain with Pasquotank County by accepting the proposed solid waste agreement. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Old Business - Memorandum of Understanding (MOU) Between Camden County and Camden County Board of Education Regarding Emergency Alternative Court Facility

The North Carolina Chief Justice has tasked each county with preparing a Pandemic Continuity Operations Plan (PCOOP). The County is responsible for providing an alternative facility in which to conduct court operations in the event that the courthouse is not available. The MOU has been prepared in order to utilize the Camden Middle School for the alternative court facility. The Camden County Board of Education has reviewed and is in agreement with the MOU.

Commissioner Mike Andrews made a motion to approve the Memorandum of Understanding between Camden County and Camden County Board of Education Regarding Emergency Alternative Court Facility (PCOOP). The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, entered into this 17th of March 2008, by and between the Camden County Board of Education and Camden County (County), is intended to summarize the terms and conditions agreed upon by the parties for the temporary use of the facilities of the Camden County Middle School by the County under emergency circumstances.

Therefore, the parties agree as follows:

1. The facilities to be used are described as the Camden County Middle School and grounds.
2. The purpose for the use will be to conduct official operations of offices of the North Carolina General Court of Justice, including magistrates, the clerk of superior court, the judges of the courts or the district attorney during an emergency situation.
3. The use may be conducted 24 hours a day if need be for the duration of the emergency, except for those times that school is in session and the use of facilities would disrupt normal instructional programs.
4. The use will occur in the event of a emergency situation which makes the Camden County Courthouse unavailable for court operations. Examples of such disasters are:
 - a. fire;
 - b. flood;
 - c. storm wind damage;
 - d. loss of electrical power anticipated to continue more than 24 hours;
 - e. pandemic influenza emergency requiring closing of all or part of the court operations at the Camden County Courthouse;
 - f. acts of terrorism making the Camden County Courthouse unusable for a period of more than 24 hours.
 - g. Toxic chemical releases into the atmosphere that require evacuation of the Camden County Courthouse for a period anticipated to continue more than 24 hours.
5. The County will pay the costs of utilities for the period of use.
6. The period of use will not extend more than 180 days.
7. The County and the State of North Carolina may undertake improvements or modifications to the facilities to provide for special electrical service, telephone service, internet connections facilities, heating and air conditioning. However, upon concluding use of the facilities, the improvements or modifications will be removed so as to return the facilities to their previous state in regard to these utilities or services.
8. The County will assure that the facilities will be kept clean and orderly and undamaged during the use. Upon the conclusion of the use of the facilities, the county will leave the facilities as they were found, normal wear and tear excepted.
9. The County shall have the exclusive use of the facilities during the needed period, except as accommodation of other activities can be made without interfering with court operations.

The County expresses its appreciation to the Board of Education for its public spirited willingness to share its facilities in the event of an emergency.

A formal contract shall be drafted by the County, and presented for consideration to the Board of Education, within 120 days from the date of the execution of this memorandum of understanding. However, during that time, if an emergency arises requiring the use of the facilities, the parties agree that this agreement will be sufficient to constitute a binding agreement upon the parties. The Parties acknowledge that good and valuable consideration has passed from each party to the other to create a binding agreement memorialized in this writing.

In witness whereof the parties have executed this memorandum of understanding, the day and year first above written.

Public Hearing - Special Use Permit Application – UDO 2008-01-30 – Department of Crime Control & Public Safety, Division of State Highway Patrol for the Erection of a 480' Telecommunication Tower

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding UDO 2008-01-30. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Clerk administered the oath to Permit Officer Dave Parks and EMS Director Christy Saunders.

Permit Officer Dave Parks: *The Division of North Carolina State Highway Patrol Crime Control led by Christy Saunders from the Pasquotank/Camden/Elizabeth City Emergency Management Agency has applied for a special use permit for the erection of the 480' wireless Telecommunications tower on the county property located off of McPherson Road, also known and utilized as the county's spray fields. The property has been posted, adjacent property owners have been notified and advertisement has been placed in the Daily Advance as required by the UDO. The application went to the Planning Board on February 20, 2008 and they recommended approval on a 6-0 vote with the conditions as stated in the Findings of Facts, which are included in your packet and at which time I would submit as evidence in this issue. Staff would also request the Commission consider an additional condition on the site plan as part of the lease agreement. There will be required a survey of the easement to be done to get the metes and bounds of that portion of that property to be leased. Staff is recommending that an additional condition of a survey be completed for that. At this time staff would open up to the public for any comments from the public and Mrs. Christy Saunders is here if you have any questions for her.*

Chairman Jeffrey Jennings: *Is there any comment from the public on this special use permit application? If not, do you have anything to add Christy? If not, do I hear a motion to close this public hearing?*

Commissioner Melvin Jeralds: *So moved.*

Chairman Jeffrey Jennings: *Commissioner Melvin Jeralds has made a motion to close this public hearing. All in favor signify by saying aye. All opposed like sign.*

The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-03-01 - Proposed Amendments to Chapters 95 (Prohibiting Possession and Consumption of Alcoholic Beverages on County Property) of the Camden County Code of Ordinances

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments on Ordinance No. 2008-03-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Commissioner Philip Faison made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2008-03-02 – An Ordinance Amending the Camden County Code of Ordinances - Proposed Amendment to Article 151 of the Unified Development Ordinance

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-03-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter reviewed Ordinance No. 2008-03-02. The proposed amendment requires all drainage plans be certified by a North Carolina registered

engineer, and refers to the Fee Schedule with regard to stormwater review fees. The Fee Schedule includes stormwater review fees for all residential and non-residential applications, with the exception of minor subdivisions.

The effect of the amendment and associated fee schedule is that all development will be required to submit a stormwater plan certified by a registered engineer. Residential subdivisions of less than 5 lots will be reviewed by county staff in conjunction with applicant's certified engineer. All other applications will be reviewed by county staff with assistance from the county's designated consulting engineer.

The Board may want to consider addition of language in text amendment to reserve the flexibility for staff to waive the requirement of an engineer's certification of the drainage plan on one (1) lot subdivisions, where plans are generally in compliance with Section 151.400.

Commissioner Philip Faison confirmed that the fees for the minor subdivisions; and third party inspection fees have been removed from the ordinance.

Planning Director Dan Porter replied, of minor subdivisions and added that for minor subdivisions it is still required to have a storm water drainage plan.

Commissioner Philip Faison asked, by an engineer, to which Mr. Porter replied, yes, by an engineer.

Planning Director Dan Porter stated that the Planning Department added that language in the Ordinance because otherwise the county would be getting storm water plans from surveyors and this would certify that it meets requirements of the county code. Major subdivisions still requires a third party review.

Commissioner Sandy Duckwall confirmed that the minor subdivision is four (4) lots or less.

Planning Director Dan Porter replied that it is creating four (4) lots or less, plus residual, so the end result is four (4) lots plus the original lot.

Permit Officer Dave Parks stated that currently staff has four (4) minor subdivisions that are in the process of creating drainage plans on their property for the minor subdivision and requested to give the property owners the option since they have already spent money as required in the Ordinance now to utilize the county's third party engineer or hire an certified engineer on their own.

Chairman Jeffrey Jennings stated for clarification that the Planning Department is requesting to give the property owners the option to utilize the county's third party engineer or hire their own.

Chairman Jeffrey Jennings called for any comments from the public.

David Burgess and Wanda Burgess, 126 Run Swamp Road spoke in opposition of a drainage plan by a certified engineer.

Commissioner Philip Faison made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

AMENDMENT TO AGENDA

Chairman Jeffrey Jennings amended the agenda to add *Item 6. New Business, I. Consideration of Special Use Permit Application – UDO 2008-01-30 – Department of Crime Control & Public Safety, Division of State Highway Patrol for the Erection of a 480' Telecommunication Tower; J. Consideration of Ordinance No. 2008-03-01 - Proposed Amendments to Chapters 95 (Prohibiting Possession and Consumption of*

Alcoholic Beverages on County Property) of the Camden County Code of Ordinances; and K. Consideration of Ordinance No. 2008-03-02 – An Ordinance Amending the Camden County Code of Ordinances - Proposed Amendment to Article 151 of the Unified Development Ordinance.

Commissioner Sandy Duckwall made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Request for Donation - Albemarle Senior Games

Commissioner Mike Andrews made a motion to approve a \$300.00 donation to the Albemarle Senior Games to help defray the operational cost of the 24th Annual Senior Games. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Set Advertisement Date for 2007 Tax Liens on Real Property

Commissioner Sandy Duckwall motion to accept the 2007 tax liens on real property report as of March 10, 2008 as submitted by the Tax Administrator which is subject to change due to collections and releases. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Melvin Jeralds made a motion to set the advertising date of the 2007 tax liens on April 14, 2008 in the Daily Advance. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Set Hearing Dates – 2008 Board of Equalization & Review

Commissioner Philip Faison made a motion pursuant to G.S. 105-322(e) to set the hearing dates for the 2008 Board of Equalization and Review to convene on April 21, 2008 and adjourn on May 19, 2008. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Refund – Marjorie A. Frutiger

Commissioner Melvin Jeralds made a motion to approve the refund request for Marjorie A. Frutiger in the amount of \$722.28, due to being taxed at the incorrect lot size. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Community Park – Award of Track Contract

The Board was presented with (2) bids for the second major portion of the Community Park project for the construction of the track and seeding of the soccer/football field. Bids were advertised and two (2) bids were received and opened on March 11, 2008. Bids were received from Barnhill Contracting Company and Advantage Sports Surfaces, Inc.

Commissioner Sandy Duckwall made a motion to award the portion of the Community Park project for the construction of the track and seeding of the soccer/football field to Advantage Sports Surfaces for \$123,000, plus Alternate #1 unit price as stated in the bid document, and authorize the Chairman and staff to execute the necessary documents.

The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Introduce & Set Public Hearing on Ordinance No. 2008-03-03 regarding NO OLF

Hearing no objections, Chairman Jennings so order Ordinance No. 2008-03-03 be laid over until the April 21, 2008 agenda in order for the County Attorney to obtain further clarification, information, and discussion with the NCACC.

FY2008-2009 Juvenile Crime Prevention Program Council (JCPC) Agreement

Commissioner Mike Andrews made a motion to approve the application of the FY2008-2009 JCPC Agreement with a county match of \$14,048.00. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of – Special Use Permit Application – UDO 2008-01-30 – for the Department of Crime Control & Public Safety, Division of State Highway Patrol for the Erection of a 480' Telecommunication Tower

Commissioner Sandy Duckwall made a motion to approve the Special Use Permit – UDO 2008-01-30 for the Department of Crime Control and Public Safety for the erection of a 480' telecommunication tower. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of - Ordinance No. 2008-03-01 - Proposed Amendments to Chapters 95 (Prohibiting Possession and Consumption of Alcoholic Beverages on County Property) of the Camden County Code of Ordinances

Commissioner Melvin Jeralds made a motion to approve Ordinance No. 2008-03-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Ordinance No. 2008-03-01

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I:

The purpose of this Ordinance is to amend the Chapter 95 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on January 22, 2008, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

Article III. Amend Chapter 95 as amended of the Camden County Code
which shall read as follows:

**CHAPTER 95: PROHIBITING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES
ON COUNTY PROPERTY AND PUBLIC STREETS**

§ 95.01 DEFINITIONS.

A. In accordance with N.C.G.S. § 18B-101 and 18B-300, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

1. **Fortified Wine** – Any wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which is an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.
2. **Malt Beverage** – Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume.
3. **Mixed Beverage** – Either of the following: (i) a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package; or (ii) a premixed cocktail served from a closed package containing only one serving.
4. **Open Container** – A container on which the seal has been broken or a container other than the manufacturer's unopened original container.
5. **County Property** – Any real property owned or operated by Camden County.
6. **Spirituous Liquor** – Distilled spirits or ethyl alcohol, including spirits of wine, whisky, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.
7. **Unfortified Wine** – Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.
8. **Public Streets** – Any highway, road, street, avenue, boulevard, alley, bridge, or other way located within Camden County and open to public use, including the sidewalks of any such street.

§ 95.02 PROSCRIBED CONDUCT.

A. It shall be unlawful for anyone to consume or to possess malt beverages, unfortified wine, fortified wine, spirituous liquor, or mixed beverages on County property.

B. It shall be unlawful for anyone who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on public streets.

§ 95.99 PENALTIES.

A. Pursuant to N.C.G.S. § 14-4, violations of provisions of this Ordinance shall constitute a Class 3 misdemeanor, punishable by a fine up to two hundred dollars (\$200) and/or a maximum of twenty (20) days in prison.

B. Alcoholic beverages possessed in violation of this Ordinance shall be subject to seizure by law enforcement officers and forfeiture, pursuant to N.C.G.S. § 18B-50

C. *Severability.*

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

C. Statutory Amendment.

References herein to particular sections or chapters of the General Statutes of North Carolina or to specific legislative acts are intended to be references to such section, chapters or acts as they may have been amended and as they may be amended from time to time by the General Assembly of North Carolina, or any successor statute. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Adopted by the Board of Commissioners for the County of Camden this 17th day of March, 2008.

County of Camden

Jeffrey B. Jennings, Chairman
Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

Consideration of - Ordinance No. 2008-03-02 – Proposed Amendment to Article 151 of the UDO

Commissioner Philip Faison asked to be recused from voting.

Commissioner Melvin Jeralds made a motion to recuse Commissioner Philip Faison from voting regarding Ordinance No. 2008-03-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Sandy Duckwall made a motion to approve Ordinance No. 2008-03-02 with the proposed amendments to Article 151. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; Commissioner Philip Faison recused, and no Commissioner not voting.

Ordinance No. 2008-03-02

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Article 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Section 151 as amended of the Camden County Code
which shall read as follows:**

CHAPTER 151: UNIFIED DEVELOPMENT

151.010 FEES.

(A) (1) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, floodplain development permits, subdivision plat approval, zoning amendments, variances and other administrative relief. In addition, a stormwater review fee shall be submitted with the Sketch Plan application in accordance with the Camden County Fee Schedule.

§ 151.400 DRAINAGE

(A) Stormwater Drainage. Each residential/non residential subdivision or commercial site plan shall provide adequate storm drainage certified by a North Carolina registered engineer for all areas in the subdivision. A combination of storage and controlled release of stormwater run-off is required. The release rate of stormwater from all developments shall not exceed the 10-year stormwater run-off from the area in its natural state (post-development vs. pre-development). All free flowing storm drainage systems shall be designed to accommodate the run-off generated by a 10-year design storm or North Carolina Department of Transportation (NCDOT) standards if more restrictive. The following information must be provided:

- (1) Elevation survey of entire tract with topo lines at one (1) foot intervals.
- (2) All culvert inverts (including driveway culverts).
- (3) Direction of flows.
- (4) Downstream analysis (cross-sections) of drainage way to outlet (creek, stream, river, etc.).

(5) Stormwater storage analysis (storing the differential between the outlet ditch capacity at bank full and the 100-year storm event throughout the proposed development area) and show minimum lot elevations.

(6) Drainage calculations for drainway design within boundaries of proposed subdivision and off-site, if appropriate.

(7) Show total pre-development and post-development run-off in CFS (cubic feet per second) volume leaving development area.

(8) Along all existing drainage ways within proposed development areas, swales (minimum 6:1 side slopes) are preferred over traditional ditches. Maintenance easements the width of the swale shall be centered over the swale.

(9) If swales are not utilized, then all ditches and canals will require minimum of 30 feet of open space from the top of bank on one side or the other (maintenance area).

(10) Developer will be responsible for upgrading drainage system to outlet (~~upgrade and outlet to be determined by the Pasquotank Soil and Water Conservation Office~~) subject to obtaining permission from all property owners adjacent to the watercourse outlet.

(B) Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by County Technical Staff members.

§ 151.401 DEVELOPMENTS MUST DRAIN PROPERLY.

(A) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless the retention presents a danger to health or safety.

(B) No surface water may be channeled or directed into a sanitary sewer.

(C) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(D) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in §§ 151.170 through 151.184. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of the roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require the construction.

(E) Construction specifications for drainage swales, curbs and gutters and storm drains are contained in Appendix C to this chapter.

§ 151.402 STORMWATER MANAGEMENT.

(A) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of the developments. More specifically:

(1) No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, thereby unreasonably causing substantial damage to the higher adjacent properties; and

(2) No development may be constructed or maintained so that surface waters from the development are unreasonably collected and channeled onto lower adjacent properties at the locations or at the volumes as to cause substantial damage to the lower adjacent properties.

(B) Any development that requires a CAMA major development permit or a sedimentation and erosion control plan shall be subject to the state stormwater runoff policies promulgated in 15A NCAC 02H.0101 *et seq.*, unless exempted by those regulations.

§ 151.403 SEDIMENTATION AND EROSION CONTROL.

(A) No zoning, special use or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the State Sedimentation Control Commission under G.S. § 113A-57(4) unless the Commission has certified to the county, either that:

(1) An erosion and sedimentation control plan has been submitted to and approved by the Commission; or

(2) The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion and sedimentation control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Commission approves the erosion and sedimentation control plan.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LAND DISTURBING ACTIVITY. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural grade and may cause or contribute to sedimentation, except activities that are exempt under G.S. § 113A-52(6). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.

Adopted by the Board of Commissioners for the County of Camden this 17th day of March, 2008.

County of Camden

Jeffrey B. Jennings, Chairman
Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

Amendment to Camden County Building Inspection & Planning Department Permit Fee Schedule

Commissioner Melvin Jeralds made a motion to approve the amended building inspection and planning department fee schedule. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**CAMDEN COUNTY
BUILDING INSPECTIONS AND PLANNING DEPARTMENT
PERMIT FEE SCHEDULE**

RESIDENTIAL, MODULAR AND COMMERCIAL CONSTRUCTION UP TO 20,000 SQ. FT.		
Minimum Fee		\$100.00
State Fee		\$ 10.00
Up to 20,000 sq. ft.		\$.25/sq. ft.
Each sq. ft. over 20,000 sq. ft.		\$.15/sq. ft.
Article I.	ELECTRICAL	
Minimum Fee		\$75.00
Over 500 sq. ft.		\$.15/sq. ft.
Service Repair		\$75.00
Temporary Service		\$75.00
Service Change		\$75.00
Mfg. Home Service		\$75.00
PLUMBING		\$75.00
Article II.	MECHANICAL	
Minimum Fee		\$100.00
Additional Units		\$ 25.00
INSULATION		\$ 75.00
NATURAL GAS HOOK-UP TO COMMERCIAL AND RESIDENTIAL STRUCTURES EXISTING PRIOR TO APRIL 7, 2003		
Fee per inspection		\$35.00
Article III.	MANUFACTURED HOMES	
Singlewide		\$250.00

Doublewide	\$350.00
Triplewide	\$400.00
Article IV. ADDITIONS – Including service systems	
Up to 400 sq. ft.	\$150.00
Over 400 sq. ft.	\$.37/sq. ft.
Article V. SWIMMING POOLS	
In Ground	\$150.00
Above Ground	\$75.00
SINGLE FAMILY DWELLING, DETACHED GARAGES, STORAGE BUILDINGS AND UTILITY BUILDINGS – These prices include service systems	
Minimum Fee	\$75.00
Perm. Foot	\$75.00
Over 400 sq. ft.	\$.18/sq. ft.
SINGLE UTILITY INSPECTION	\$50.00
Article VI.	
Article VII. SIGNS	
16 square feet or less	No Charge
17 square feet through 32 square feet on 1 side	\$50.00
Signs in excess of 32 square feet of surface area on 1 side	\$100.00
Additional fee for electrical inspection if required	\$50.00
DEMOLITION Fire, Safety & EPA Regs	\$75.00
This charge is for pre-inspection for safety and hazardous materials and referral to proper channels if found.	
ALTERATIONS, REPAIRS & IMPROVEMENTS	
Up to \$5000 gross retail price	\$75.00
Over \$5000	50 % of additions fees
Alterations include work within existing structures and upgrading existing service and do NOT include Additions, New Construction, Providing Power to structures not previously having power or New Service to existing buildings.	
RENOVATION FEES – ½ New Construction Fees	
Farm buildings are exempt unless any electrical installation is done.	
-or- any portion of the building is used for sleeping quarters -or- the building is used for business rather than for the personal use of the farmer and his immediate family	
Article VIII. MOVING OF ANY BUILDING WITHIN OR INTO THE COUNTY	
Minimum new construct fees	

COMMERCIAL PERMIT PRICES (extras)

MECHANICAL:

Walk-in cooler: Commercial Cooking Hood \$40.00 each
HVAC Fire damper/smoke damper: \$5.00 each

ELECTRICAL:

Electric duct heater: \$10.00 each
Temporary Service with trailer: \$100.00 each
0-100 Each Receptacle/Switch/fixture: \$75.00
Each additional opening: \$0.10
Subpanel, transformer, generator: \$20.00 each
Fuel dispensers, “freestanding” parking lot light poles, manufactured home pedestals: \$5.00 each
Exhaust fans/ water heater/RAC/ spa/ motors and machinery not specified: \$5.00 each

PLUMBING:

Minimum permit fee: \$75.00
Per fixture, trap or similar devices: \$5.00
Per sprinkler head: \$5.00

GAS:

Minimum permit: \$75.00
Per outlet: \$5.00

- All fees must be paid in full at time of application.
- No application will be reviewed until full payments are made.

Land Use Development Fees

Zoning Permit	\$ 25.00
Conditional Use Permit	\$250.00
Special Use Permit	\$400.00
Temporary Use Permit	\$250.00
Variance	\$250.00
Rezoning Fee	
Under three acres	\$200.00
Three acres to six acres	\$300.00
Over six acres	\$300.00 plus \$15 per acre or fraction thereof
Interpretation Challenge/Appeal	\$150.00*
Subdivision Fee	
Major Subdivision	
Sketch Plan Level	\$150.00 per lot
Preliminary Plan Level	\$200.00 per lot
Final Plan Level	\$50.00 per lot**
Minor Subdivision	\$200.00 per lot**
Private Access Subdivision	\$200.00 per lot**
Planned Unit Development	
Sketch Plan Level	\$150.00
Preliminary Plan Level	\$200.00
Final Plan Level	\$50.00
Commercial Site Plan Review	\$ 25.00

Stormwater Review Fees/Deposit

Major Subdivision (more than 5 acres) ***	\$6,000
Minor Commercial Site Plan Review (3 acres or less) ***	\$3,700
Major Commercial Site Plan Review*** (more than 3 acres)	\$5,400
Certificate of Adequate Public Schools (CAPS)	\$25.00
Sign Deposit Fee	\$50.00

*Subject to refund in the case of a successful appeal if so ordered by the Board of Adjustment.
**A fifteen dollar (\$15) credit will be granted if the final plat is submitted both on Mylar in accordance with the Unified Development Ordinance and on diskette, in a format compatible with the County’s Geographic Information System (GIS) software.
***The County stormwater review deposit/fee will be set up as an escrow wherein the applicant recovers any deposits in excess of actual costs incurred, or replenishes the escrow if costs drop below \$1000 prior to project approval.

A permit refund will be given if a permit is withdrawn prior to commencement of the approval process (staff review for Zoning Permits and building permits; Board* agenda for all other items). No refund shall be given after any portion of the approval process has begun (e.g., permit issued or item placed on Board agenda.)

* - Board of Adjustments, Planning Board, or Board of Commissioners

South Camden Water & Sewer District Board of Directors

During the regular meeting of the Camden County Board of Commissioners, Chairman Jeffrey Jennings recessed the regular meeting. and called the South Camden Water and Sewer District Board of Directors meeting to order at 8:30 p.m.

Member Sandy Duckwall made a motion to adjourn the South Camden Water and Sewer District Board of Directors meeting. The motion passed with Members Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Member voting no; no Member absent; and no Member not voting.

Chairman Jeffrey Jennings reconvened the Commissioners meeting at 8:35 p.m.

County Manager’s Report

County Manager Randell Woodruff reported on the following:

- Reminder FY2008-09 budget work sessions will be meeting on Wednesday, May 7, 2008 at 7:00 p.m. and Thursday, May 8, 2008 at 2:00 p.m.
- Capital Improvement Program work session on April 7, 2008.
- Informed Board regarding letter sent to Senator Elizabeth Doyle’s office from Chairman Jennings clarifying the County’s position against the OLF.
- Solid Waste Grant and Award for handling recyclables at one of the convenience \$15,000.00 was received out of the \$25,000.00 applied for so there was not enough money to complete the project. A \$2,500.00 match was previously approved for the original grant and after review the project will require an additional \$2,500.00. South Mills convenience site has been chosen for the update and improvement.

Commissioner Melvin Jeralds made a motion to approve an additional \$2,500.00 to proceed with the recycling project. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- Update on Jail project.
- County Audit has been sent to Local Government Commission in Raleigh for review.

- Land transfer collections are down – less than budgeted

Closed Session

Commissioner Philip Faison motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of Consultation with Attorney, pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel, pursuant to G.S. 143-318.11(a)(5) for the purpose of discussing property acquisition regarding Luther Property and a location for a High School, which the property owner wishes to remain anonymous, and pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing industrial recruitment. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 8:50 p.m.

Commissioner Melvin Jeralds made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:51 p.m.

Amendment to Agenda

Commissioner Philip Faison made a motion to amend the agenda to add *Contract For Public Relations Firm Regarding OLF – French/West/Vaughan*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Contract For Public Relations Firm

Commissioner Mike Andrews made a motion to approve a three (3) month contract at \$6,000.00 per month with French/West Vaughan as the public relations firm for the OLF project. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Adjournment

Commissioner Melvin Jeralds made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 9:54 p.m.

ATTEST:

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

Ava J. Gurganus
Clerk to the Board